

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

CHRISTOPHER TATE)	
)	
Plaintiff,)	
)	
v.)	
)	No. 1:04-CV-379
MICHAEL WENGER, individually and in)	
official capacity; JEFF LANCASTER,)	Judge Curtis L. Collier
individually and in his official capacity; JOHN)	
DOES, City of Chattanooga Police Officers;)	
RON ROES, City of Chattanooga Police)	
Supervisors, individually and in their official)	
capacities; and THE CITY OF)	
CHATTANOOGA, a Tennessee Municipal)	
Corporation;)	
)	
Defendants.)	

ORDER

In accordance with the accompanying memorandum the Court hereby **GRANTS IN PART** and **DENIES IN PART** Defendant Michael Wenger's ("Wenger") motion for summary judgment (Court File No. 31) and Defendants Jeff Lancaster ("Lancaster"), John Does, Ron Roes, and the City of Chattanooga's (the "City") (all defendants collectively referred to as "Defendants") motion for summary judgment (Court File No. 34). The Court hereby:

- (1) **GRANTS** summary judgment in favor of all unnamed defendants and **DISMISSES** all claims made against them based on the statute of limitations;
- (2) **GRANTS** summary judgment in favor of Lancaster and **DISMISSES** all federal and state claims asserted against him stemming from Plaintiff's arrest on December 9, 2003;
- (3) **DENIES** summary judgment on Plaintiff's § 1983 claim against Wenger in his individual capacity arising from Plaintiff's arrest on December 9, 2003;
- (4) **GRANTS** summary judgment in favor of Wenger and **DISMISSES** all federal and state claims

against him for failing to provide Plaintiff with medical care;

(5) **DENIES** summary judgment on Plaintiff's § 1983 claim against Lancaster for failing to provide medical care;

(6) **GRANTS** summary judgment in favor of Lancaster and **DISMISSES** Plaintiff's state law claims of assault and battery against him;

(7) **GRANTS** summary judgment in favor of the Defendants and **DISMISSES** Plaintiff's § 1983 conspiracy claim;

(8) **GRANTS** summary judgment in favor of the City and officers in their official capacities and **DISMISSES** Plaintiff's § 1983 claims and state law claims of assault and battery made against the City and officers in their official capacity;

(9) **GRANTS** summary judgment with respect to Plaintiff's claim for punitive damages against the City and the officers in their official capacities and **DISMISSES** that claim; and

(10) **DENIES** summary judgment with respect to Plaintiff's claims for punitive damages against Wenger and Lancaster in their individual capacities.

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE